

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2688 OF 2018

Suryakant Madhav Boinwad and another .. **Petitioners**

Versus

The State of Maharashtra and others .. **Respondents**

Shri Pratap V. Jadhavar, Advocate for Petitioners.

Shri K. N. Lokhande, A.G.P. for Respondent Nos. 1 to 3.

CORAM : **S. V. GANGAPURWALA &**
A. M. DHAVALA, JJ.

DATE : **20th March, 2018**

PER COURT :

1. The applications filed by the petitioners for issuance of tribe certificates are rejected. Appeal filed against the same is dismissed. Learned advocate for the petitioners submits that real brother of the petitioners is issued with the tribe certificate of 'Koli Mahadev', Scheduled Tribe. The school record of the real brother and petitioner No. 2 i.e. real sister record caste as 'Mahadev Koli' and 'M. Koli' respectively and of the petitioner No. 1 records caste as 'Koli Mahadev'. Learned advocate further

submits that the father of the petitioners is illiterate, as such, does not have any school record.

2. Learned A.G.P. submits that there are no old documents on record. The validity certificate submitted of one 'Vishwambhar' cannot be relied, as relationship is not proved and even as per the genealogy the same person is five generations away.

3. We have considered the submissions.

4. It appears that the real brother of the petitioners is issued with the tribe certificate. There are no contra evidence produced on record. The school record of the real brother and petitioner No. 2 i.e. real sister records caste as 'Mahadev Koli' and 'M. Koli' respectively and of the petitioner No. 1 records caste as 'Koli Mahadev'. There is no contra evidence produced on record and the real brother is issued with the tribe certificate, hence we are inclined to allow the petition. However, with a condition that till the tribe certificates of the petitioners are validated the petitioners shall not take benefit of reservation either in further education or service.

5. The impugned orders are quashed and set aside. The respondent No. 3 shall issue tribe certificates to the petitioners of 'Koli Mahadev', Scheduled Tribe within a period of 15 days from today, which certificates will not be used until validated by the committee in validation proceedings.

6. The writ petition accordingly stands disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

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